

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5TH DAY OF JUNE 1998

BEFORE:

THE HON'BLE MR.JUSTICE M.F.SALDANHA

WRIT PETITION NO. 33406/1997

BETWEEN:

1. Sri.Venkataiah @ Rajappa,
s/o late Govindaiah,
aged about 80 years.
2. Sri.Govindaiah S/o Sanjeevaiah,
aged about 55 years.
3. Narayanaiah S/o Gavaiah,
aged about 65 years.
4. Sri.Chennaiah s/o late
Sanjeevaiah,
aged about 45 years.

(All are residents of Yachenahalli
village, Kasaba Hobli, Channarayana-
patna Taluk, Hassan District).

... PETITIONERS

(By Sri S.V.Narayana Murthy, Advocate.,)

A N D:

1. The State of Karnataka
represented by its Secretary to
Government, Revenue Department,
M.S.Buildings, Dr.Ambedkar Veedhi,
Bangalore-560 001.
2. The Special Deputy Commissioner
for Inams Abolition,
Hassan Division, Hassan.
3. The Revenue Deputy Commr.
Hassan District, Hassan.
4. The Land Tribunal, represented
by its Secretary, Channarayapatna,
Hassan District.
5. The Chairman,
Karnataka Appellate Tribunal,
Bangalore.

... RESPONDENTS

(By Sri S.V.Jagannath, Addl.Govt.Advocate.,for Respts.,)

Writ Petition filed under Articles 226
and 227 of the Constitution of India, praying
to quash vide Annexure-C dt. 30-9-81 by R-4 etc.,

This Petition coming on for preliminary
hearing this day, the Court made the following:-

ORDER

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O R D E R

I have heard the petitioners' learned Advocate as also the learned Govt. Advocate. The petitioners' learned Advocate points out to me that the reference in the order dated 30-9-81 to the petitioners being represented by one Ramachandra is obviously incorrect because the petitioners do not have any son or representative by that name. Also, learned Advocate points out that if an adverse order was passed in the year 1981, that the petitioners themselves would have agitated the matter further. The learned Govt. Advocate has pointed out that there is 15 years delay in approaching this Court but that has been explained in the petition by the petitioners who state that it was only in the year 1996 when the entries was sought to be altered that they came to know of the order. Under these circumstances, the delay cannot be held against the petitioners. To my mind, if the petitioners did not receive any notice and the case was wrongly disposed of, it is only fair that they should be afforded a fresh opportunity of representing their case.



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2. The Writ Petition is accordingly allowed. The impugned order is set aside and the proceedings are remanded to the Tribunal for a fresh decision. In order to obviate any further problems, the petitioners or their representatives are directed to remain present before the Tribunal on 13-7-1998 and to diligently proceed with the matter on such dates as the Tribunal may fix. It shall not be necessary for the Tribunal to issue any notice to the petitioners.

3. This Writ Petition succeeds to this extent. No order as to costs.

Sd/-
JUDGE

MSU/* 090698

